

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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FM USMISSION IAEA VIENNA
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C O N F I D E N T I A L IAEA VIENNA 3701
EXDIS
DEPT PASS IO/SCT; OES FOR BORIGHT; ACDA FOR HOUCK

E.O. 11652: GDS
TAGS: IAEA, PARM, TECH, MNUC, EC
SUBJECT: STATUS OF IAEA/EURATOM SAFEGUARDS SUBSIDIARY
ARRANGEMENTS NEGOTIATIONS

REFS: (A) IAEA VIENNA 3238; (B) 1976 STATE 310525

1. MISSION HAS OBTAINED FURTHER INFORMATION ON SUBJECT AND ON MEETING AGENCY CALLED WITH RESIDENT REPRESENTATIVES OF EC STATES IN VIENNA APRIL 22, REPORTED REFTEL A. NO RPT NO FACILITY ATTACHMENTS HAVE BEEN AGREED SO FAR. ACCORDING TO AGENCY SOURCES, IMPASSE IS DUE TO EURATOM'S UNWILLINGNESS TO GRANT AGENCY SUFFICIENT RIGHTS TO PERFORM INDEPENDENT VERIFICATION. IN THIS CONNECTION, MISSION NOTES US POLICY AND THE APPROACHES MADE PURSUANT TO REF B, ESPECIALLY LAST SECTION PARA 3 AND PARA 4.

2. FURTHER TO INFO CONTAINED REFTEL A, SUBSTANCE OF AGENCY MESSAGE TO EC RES REPS, WHICH REFLECTS CURRENT SITUATION WAS AS FOLLOWS:

A. AGENCY AD HOC INSPECTIONS FOR INITIAL INVENTORY VERIFICATION IN COMBINATION WITH VISITS FOR REVIEW OF DESIGN INFORMATION HAVE STARTED AND ARE PROGRESSING
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SATISFACTORILY. THESE INSPECTIONS ARE PROCEEDING IN ADVANCE OF CONCLUSION OF FACILITY ATTACHMENTS, AS PROVIDED FOR IN AGREEMENT ARTICLES 40 AND 71A. INITIAL REPORTS SENT BY EURATOM WERE RECEIVED ON TIME BY AGENCY BUT WERE BASED ON THE OLD EURATOM SYSTEM (BEFORE SAFEGUARDS AGREEMENT WAS IN FORCE). AGENCY HAS EXPERIENCED SIGNIFICANT DIFFICULTIES IN PROCESSING DATA SUPPLIED. INTENSIVE CONSULTATIONS ARE UNDERWAY

IN AN EFFORT TO IMPROVE SITUATION.

B. SUBSTANTIAL DIFFERENCES OF OPINION EXIST WITH REGARD TO INSPECTION ACTIVITIES AT POWER REACTORS. ORIGINALLY, AGENCY SAFEGUARDS APPROACH FORESEEN FOR POWER REACTORS WAS BASED ON APPLICATION OF SEALS ON FUEL ASSEMBLIES (A PROPOSAL WHICH HAD BEEN MADE AT THE TIME BY EURATOM, BASED ON DEVELOPMENT WORK WHICH EURATOM HAD UNDERWAY). THAT APPROACH, IF POSSIBLE TO FOLLOW, WOULD HAVE RESULTED IN AN EFFORT OF 2 - 3 MAN-DAYS PER YEAR FOR EACH SUCH FACILITY BY AGENCY. HOWEVER, EXPECTATIONS PLACED ON DEVELOPMENT AND APPLICATION OF SUCH SEALS HAVE NOT MATERIALIZED (SINCE REACTOR OPERATORS HAVE NOT PERMITTED USE OF THE PROPOSED SEALS) AND CONSEQUENTLY THAT APPROACH CANNOT BE FOLLOWED. THEREFORE AGENCY HAS TO USE PROVEN PRACTICES ALREADY APPLIED TO SUCH PLANTS IN OTHER MEMBER STATES CALLING FOR 11 - 15 MAN-DAYS PER YEAR, BUT WITH EURATOM PERFORMING PART OF THE ACTIVITIES. AS A CONSEQUENCE, IT HAS BEEN POSSIBLE FOR AGENCY TO REDUCE ITS OWN INSPECTION ACTIVITIES, RESULTING IN AN IAEA EFFORT OF 7 - 9 MAN-DAYS PER YEAR FOR EACH FACILITY. EURATOM HAS NOT RPT NOT ACCEPTED THIS AMOUNT OF IAEA EFFORT ON BASIS IT DOES NOT TAKE SUFFICIENTLY INTO ACCOUNT THE CONCLUSIONS OF EURATOM INSPECTORS VIS-A-VIS SUCH FACILITIES.

3. ONE EXAMPLE OF EURATOM INSPECTORS PERFORMING PART OF INSPECTION ACTIVITIES AND CONTROVERSY ABOUT DENING IAEA RIGHT TO REACH INDEPENDENT CONCLUSION IS THE REVIEW OF SAFEGUARDS SURVEILLANCE FILM. EURATOM INSPECTORS CAN CHANGE AND REVIEW CONFIDENTIAL

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FILM FROM A GIVEN SURVEILLANCE CAMERA FOR TIME PERIOD A TO B. WHEN AGENCY INSPECTORS COME TO FACILITY AT TIME C, THEY MUST HAVE RIGHT TO REVIEW ALL FILM FROM TIME A TO TIME C IN ORDER TO DRAW INDEPENDENT CONCLUSION. EURATOM OFFICIALS REPORTEDLY ARE INSISTING THERE IS NO NEED FOR IAEA INSPECTORS TO REVIEW THE FILM COVERING TIME A TO B AND CONCLUSIONS OF EURATOM INSPECTORS' REVIEW OF THAT PORTION OF FILM SHOULD BE ACCEPTED BY AGENCY AND AGENCY THEN SHOULD ONLY NEED TO REVIEW FILM COVERING PERIOD B TO C.

4. ON THIS AND OTHER POINTS OF CONTROVERSY, AGENCY HAS REPORTEDLY SOUGHT EURATOM TECHNICAL RATIONALE ON HOW AGENCY COULD FOLLOW EURATOM PROPOSALS AND STILL ARRIVE AT INDEPENDENT CONCLUSION. HOWEVER, EURATOM HAS COME UP WITH NO TECHNICAL RATIONALE AND IS REPORTEDLY TRYING TO OBTAIN A "POLITICAL SOLUTION", I.E., HIGH-LEVEL UNDERSTANDING WITH IAEA OFFICIALS THAT IAEA DOES NOT REALLY NEED INDEPENDENT VERIFICATION.

5. IAEA'S EURATOM SECTION CHIEF, THORSTENSEN, IS TRYING TO

INTRODUCE WAYS IN WHICH IAEA AND EURATOM INSPECTORS CAN
WORK TOGETHER ON INSPECTIONS SO AS TO REDUCE IAEA'S
INSPECTION EFFORT AT A FACILITY AND YET PRESERVE INDEPENDENCE
OF IAEA'S CONCLUSIONS. AGENCY SOURCES, HOWEVER, EXPRESS CONCERN
THAT WITHOUT FURTHER EVIDENCE OF OUTSIDE SUPPORT FOR INDE-
PENDENT VERIFICATION BY IAEA, ITS POSITION MAY BE SERIOUSLY
ERODED IN NEXT FEW WEEKS AS PRESSURE INCREASES TO REACH
AGREEMENT ON SUBSIDIARY ARRANGEMENTS PRIOR TO END OF 90-DAY
PERIOD CALLED FOR IN ARTICLE 40 OF SAFEGUARDS AGREEMENT
(I.E., BY MAY 22).

6. COMMENT: MISSION IS CONCERNED THAT THIS ISSUE, IF LEFT
UNRESOLVED TOO MUCH LONGER, COULD ESCALATE AND EVENTUALLY
PLACE U.S. IN VERY DIFFICULT POLITICAL
POSITION VIS-A-VIS EC. ACCORDINGLY, DEPARTMENT MAY WISH TO
CONSIDER POSSIBLE STEPS TO ENCOURAGE A SOLUTION CONSISTENT
WITH U.S. NON-PROLIFERATION INTERESTS. STONE
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NOTE BY OC/T: EXDIS CAPTION ADDED PER S/S-O, MR. GREENLEE.

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